In the Official Action dated July 25, 2003:

1. Claims 31 through 39 were indicated as allowable;
2. Claim 49 was rejected as indefinite under 35 USC 112;
3. Claims 48 and 49 were rejected under 35 USC 102 in view of Puhl '624.
4. Claims 40 through 47 were rejected under 35 USC 103 in view of various combinations of Karlstrom '661, Huensch '010, Bench '867, Freeburg '670, Godoshian '579 and Vol. 58, No. 1 of a Bell Technical Journal.
5. Claims 50 and 51 were rejected under 35 USC 103 in view of Puhl '624, Bench '867 and Freeburg '670.

As discussed during the interview, and confirmed below, the undersigned Attorney of Record respectfully requests re-examination based on the amended claims and based on the traversal of certain rejections as set forth below.

In particular, with respect to the rejection of claim 49, the term "data processor" has been replaced with the term "computer" to conform with the change made in claim 48 wherein the term "microprocessor" was changed to "computer separate from a digital controller" that was added as a recited element for the reasons discussed during the interview and summarized below. It is believed that claim 49 now meets the standard of 35 USC 112 in that proper antecedence is now provided for all recited elements of the claim.

Turning now to the rejections based on prior art under 35 USC 102 and 103, the Examiner's attention was drawn to the fact that the subject invention relates to a fundamental concept developed by the named inventor, Harry M. O'Sullivan, during the early to mid 1980's whereby a computer, capable of implementing an application program, could be interfaced with a cellular transceiver having its own digital controller, to allow network access and receipt/transmission of data by the computer over a cellular network using the cellular transceiver with which the computer is interfaced. The prior art cited by the Examiner, namely the Puhl '624 and Karlstrom '661 references fail to disclose this combination and the remaining

prior art fails to provide any motivation or teaching for amending or modifying the prior art to arrive at the combination described in the various rejected claims as now amended.

Claims 40, 44 and 48 have been amended to specify that the claimed combination includes a radio transceiver having a digital controller and a separate "computer" or "computer means" that is interfaced with the transceiver to control network access and/or data transmission/reception over a cellular network. Based on the telephone conversation with Ex. Lele on December 15, 2003, the term "digital controller" has been further defined to be "for generating control signals including network access signals for controlling the operation of the radio transceiver." None of the prior art shows this important combination or provides any motivation for arriving at the combination. A number of important advantages flow from the combination that were not recognized in the prior art. For example, this combination permits computers including computers operating on standardized operating programs to be interfaced with transceivers whose digital controllers operate on entirely different standardized communication programs. Thus the recited combination permits data transceiving functions (and control functions attendant thereto) of the transceiver to be controlled by the computer in certain modes of operation while in other modes, the digital controller is allowed to implement more conventional functionality of the cellular transceiver such as permitting network access, call placement and voice communications in response to user commands entered, in real time, via for example a key pad or a touch screen. This separation of functionality (as implemented by the combination of circuit features now described in amended claims 40, 44 and 48) is important to the ability of cellular telephone devices to be designed, updated and rendered compatible easily to different network communication protocols and new applications programs written to be compatible with the computer operating program as distinct from the communication protocol implemented by the digital controller of the transceiver.

As explained during the telephone conversation of December 15, 2003, the digital controller now recited in claims 40, 44 and 48 functions to generate "...control signals including network access signals for controlling the operation of the radio transceiver." This limitation is supported by the disclosure at col. 5, lines 19-37 (printed specification of RE34,034) particularly

col. 5, lines 27-29. The combination of features now set forth in amended claims 40, 44 and 48 is certainly not suggested in the prior art such as the Karlstrom '661 reference which merely discloses, at col. 4, lines 19-26 and Figs. 2A and 2B, clocks in each mobile unit that are synchronized to a base station clock but does not disclose a digital controller for generating control signals including network access signals, wherein the digital controller is separate from a computer or computer means as defined in claims 40, 44 and 48.

Ex. Lele attention is further directed to the amendments to claim 44 wherein claim 44 has been amended to specifically call for a digital controller that is separate from the interface means to remove confusion in the language as originally proposed during the personal interview of December 12, 2003.

The features of the remaining dependent claims are not disclosed in the prior art in combination with the basic circuit features described in amended claims 40, 44 and 48. In particular, features such as addition of error correcting bits (claims 41, 45 and 50) and packetized data (claims 42 and 51) are not illustrated in the prior art, in combination with the features of the corresponding parent claims, and would not be an obvious modification thereof. Similarly the addition of variable length packets responsive to error rate (claim 43) and application programs that automate call placement (claim 47) are not rendered obvious by the prior art relied upon by the Examiner.

In summary the status of the claims is as follows:

Original Claims 1-25 were canceled without prejudice (by the Supplemental Preliminary Amendment filed on July 24, 2002) since identical claims are present in allowed parent reissue application Serial No. 07/414,468 (now Re 34,034) of which this application is a second divisional reissue. Claims 26 through 30 were added by the Supplemental Preliminary Amendment of July 24, 2002 but these claims were cancelled and claims 31 through 51 were added by a Second Supplemental Amendment filed on November 15, 2002.

By a Response and Amendment filed on October 8, 2003, claims 40 through 45 and 48 were amended.

Claims 31 through 39 have been indicated as allowable. By this amendment claims 40, 44, 45, 48, and 49 have been amended to overcome the rejections of claims 40 through 51 contained in the Official action of December 3, 2003.

A clean copy of the pending claims (with underlining as required for new claims in a Reissue application) is submitted herewith as Attachment A. Support for the amendments to claims 40, 44, 45, 48 and 49 exists in the following locations (all references are to the printed specification of Re 34,034):

Fig. 1, elements 24, 34 and 36

Col. 5, lines 19 through 22

Col. 5, line 65 through col. 6, lines 11

Col. 6, lines 12 through 19

Col. 5, lines 35 through 54

General description of system components and operation as described in col. 5, line 4 through col. 13, line 40.

Re-examination and allowance of this divisional reissue application is now requested.

Respectfully submitted,

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